

REMARKS

Response to Examiner's "Response to Arguments"

Applicant has carefully reviewed Examiner's Response to Arguments found on pages 13-16 of the office action dated March 4, 2009. Applicant has amended the claims as suggested by the Examiner to include and introduce the argued limitations from this response and the previous response with respect to the prior art. Applicant's goal is to introduce the explicit claim limitations of the prior art arguments Examiner alleges are missing from the claims and also to ensure the claims of the invention are explicitly stated in the claims and a reading of them into the claims from the specification is not required.

With respect to claim 1, Applicant's invention does require the use of a telephone service but does NOT require the use of voice mail, this is explicitly what makes it different from *Creamer*. Applicant's arguments and claims are directed to a method and system which does *NOT* use or require the use of a voice mail but uses an Internet platform to initiate and track telephone calls between Users and Service Providers.

Applicant has amended claim 1 to include the claim limitations for providing an "Internet platform" providing the communication means as well as the transaction settlement functions between the parties. Additionally, Applicant, at the suggestion of the Examiner, has amended Claim 1 to include the negative claim limitation that method does not use or offer voicemail telephone services. Although negative claim limitations are not desired, they are allowed under MPEP 2173.05(i) and Applicant's specification clearly recites this position and the lack of use of telephone services and voice mail, as required.

Additionally, with respect to claim 1, Applicant has amended the claim to include the specific limitation describing that the email is integrated with the Internet platform. In the

present invention, if the Internet platform detects that the service provider is unavailable, it alerts and notifies the User to send an email to the Service Provider, as not claimed. The alert and email prompt is integrated into the Internet platform and is triggered in the event of an unavailable Service Provider, Examiner is correct in this understanding that the alert and email is an alternative to the call be initiated.

With respect to the other claim limitations Applicant replies on in the discussion with respect to Creamer, Applicant has also amended claim 1 to include the limitation “providing an Internet platform wherein said Internet platform is an Internet-based system used to initiate a live conversation with a Service Provider via a telephone, computer, or other electronic mobile device over the Internet;” which properly amends the claims to include the limitations argued by Applicant.

In the present invention as claimed, the Internet Platform initiates a call to the User over a standard phone network. Upon receiving a phone call by the User at his desired phone number from the Internet platform, answering the Call by the User from the Internet platform initiates a second call to the Service Provider in response to the answered first call by the User, from the Internet platform. Answering the second call from the Internet platform by the Service Provider results in connecting the parties in a conference call by the User from the Internet platform.

With respect to claim 2, Applicant has amended claim 1 and now claim 2 to explicitly include the Internet platform which provides means “to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet” and “for making a connection and transferring speech and text”.

With respect to claim 18, Applicant has amended the claim to depend from claim 1 to clearly recite and claim a computer network as opposed to a telephone network, which is argued by Applicant in view of the cited prior art.

Rejections Under 35 USC 103

5 A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and
3. that teach
4. a suggestion to combine or modify the references,
- 10 5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

Accordingly, an applicant who is able to prove that the Examiner has failed to establish any one of these elements will prevent the prima facie case of obviousness from being
15 established.

Claims 1-7, 9-12, and 14-17 stand under 35 USC 103(a) as being unpatentable over Lurie, et al. (U.S. 7,289,623), hereafter referred to as '623 or "Lurie 1" and in further view of Creamer, et al. (US2004/0122941), hereafter referred to as Creamer. With respect to claims 1, 4-5, 6, 9-14, and 17, Examiner cites Lurie, stating that it discloses a method of connecting two parties in real
20 time.

With respect to claim 1, previously amended to include the claim limitation previously found in claim 9, the present invention includes the specific limitation of "prompting said User to send an email to the Service Provider if Service Provider is busy or unavailable".

Creamer suggests alternate actions, such as sending an email message, contacting a
25 secretary or other alternate, or transferring the caller to a voice mailbox can result if an employee is unavailable. The system of the present invention teaches a method and apparatus for ensuring a real time connection between users and service providers NOT requiring the use of a telephone

system and voice mail. In the present invention, the system teaches a method and apparatus for ensuring a real time connection between users and service providers that does NOT use or offer voice mail and provides an Internet platform that provides transaction settlement functions in addition to the communication. Paragraph 30 of Creamer states “....determines the employee is
5 unavailable, alternate actions.....”. While Examiner’s citation does suggest the use of an email message as an alternative communication option, the system of Creamer, requires and teaches a phone system that uses voice messaging, not a phone system that provides input means for creating an email. Creamer neither teaches nor suggests how email would work or be integrated in the interactive voice response (IVR) application for use in telephone systems. There is also no
10 teaching or suggestion for the combination of the (IVR) application for use in telephone systems with an Internet-based system used to initiate a live conversation with a Service Provider via a computer or electronic mobile device over the Internet as taught and claimed by the present invention.

Applicant has amended claim 1 to include the claim limitations for providing an “Internet
15 platform” providing the communication means as well as the transaction settlement functions between the parties. Additionally, Applicant, at the suggestion of the Examiner, has amended Claim 1 to include the negative claim limitation that method does not use or offer voicemail telephone services. Although negative claim limitations are not desired, they are allowed under MPEP 2173.05(i) and Applicant’s specification clearly recites this position and the lack of use of
20 telephone services and voice mail, as required.

Additionally, with respect to claim 1, Applicant has amended the claim to include the specific limitation describing that the email is integrated with the Internet platform. In the present invention, if the Internet platform detects that the service provider is unavailable, it alerts

and notifies the User to send an email to the Service Provider, as not claimed. The alert and email prompt is integrated into the Internet platform and is triggered in the event of an unavailable Service Provider, Examiner is correct in this understanding that the alert and email is an alternative to the call be initiated.

5 With respect to the other claim limitations Applicant replies on in the discussion with respect to Creamer, Applicant has also amended claim 1 to include the limitation “providing an Internet platform wherein said Internet platform is an Internet-based system used to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet;” which properly amends the claims to include the limitations argued by Applicant.

10 In view of Applicants amendments to the claims, Withdrawal of this rejection is respectfully requested.

 With respect to Claim 2, Applicant disagrees that Lurie teaches having a pop-up window prompting a user to enter their phone number to make a connection. Examine cites col. 4, ll 46-54 and Fig. 3 which teaches a communications network providing speech communication such as
15 a switched telephone network, *but not a network for making a connection and carrying anything more than speech*. Lurie 1 requires the customer information so that is can use the customer information such as an phone number or ID to access database information on a computer about the customer (‘149 Col. 6, ll57-60). Here Lurie 1 fails to teach the claim limitation of the present invention. Examiner did not make this assertion in the first office action choosing to combine
20 Laurie 2 with another prior art document to teach this limitation, and again fails to show its teaching in Laurie alone.

 With respect to claim 2, Applicant has amended claim 1 and now claim 2 to explicitly include the Internet platform, which provides means “to initiate a live conversation with a

Service Provider via a computer or other electronic mobile device over the Internet” and “for making a connection and transferring speech and text”.

In view of Applicants amendments to the claims, Withdrawal of this rejection is respectfully requested.

5 With respect to Claims 3-17 Applicant relies on the arguments present for claims 1 and 9 above, from which Claims 3-17 all depend. Withdrawal of this rejection is respectfully requested.

Claim 18 stands rejected under 35 USC 103(a) as being unpatentable over Laurie 2 in further view of Penfield, et al, (6,508,173) and Olshansky (U.S. 6,493,437).

10 Lurie 2 (U.S. 7,289,612) discloses a method and apparatus for ensuring a real-time connection between users and selected service providers using voice mail. The Lurie 2 system enables seekers of a wide array of services to select, contact, converse, and pay for a service provider using a communications device such as the telephone. A seeker locates a service provider by providing the name of a profession, which is recognized by the system's software. Once a service provider is selected, the system connects the seeker with the service provider for
15 a live conversation. However, during service provider unavailability, the system enables the seeker to leave a voice mail message for the service provider and reconnects the user and service provider once the message is reviewed by the service provider. The system automatically bills the seeker for the time spent conversing with the service provider and compensates the service provider.

20 In contrast to Lurie 2, the present invention does not require the use of a single telephone device, which limits the teaching in Lurie 2 to a single voice message. The present invention does not utilize or include a voice mail option as there is no connection formed or based in response to a voice mail as taught by Lurie 2.

In the present invention a user initiates a call by selecting a service icon on a website, then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and places the call. A pop-up window then provides the user with a rate for the call and account balance.

5 The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider.

Applicant has amended claim 18 to depend on claim 1 to clearly recite and claim a computer network as opposed to a telephone network, which is argued by Applicant in view of the cited prior art. Applicant concedes that Penfield teaches a method for determining the total
10 minutes a User can make on a given phone call, based on their account balance or debit/credit card balance in existence to make immediate payment without resulting in an outstanding balance owed to a provider.

Penfield does not teach the claim limitations for

- “extracting Service Provider per minute compensation rate from a System Database”
15 or
- “determining total minutes said User can connect to a Service Provider until said User’s account balance reaches zero”.

Penfield does not teach or suggest use within a system of multiple providers with varying call rates or the use of various Service Providers. Penfield is directed to “a system of rating and
20 debiting complex debit card calls. Also, there is a need for a system that coordinates call rating and debiting functions for all calls for a given subscriber to ensure that the charges incurred do not exceed the available balance in the subscriber's account. And finally, there is a need for these capabilities in real time.” See Col. 1, ll. 35-42.

Penfield at Col. 3, ll 18-21 does suggest that variable rates could be used, but the preferred invention of Penfield does not describe this use and a variable rate is only mentioned in passing and the use of variable rates associated with a plurality of Service Provides is neither taught nor suggested for the billing system of Penfield to be used in combination with either Lurie or Olshansky. Withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 USC 103(a) as being unpatentable over Laurie 2, in further view of Penfield, in further view of Olshansky. Applicant relies on the arguments present for claim 18 above, from which Claim 19 depends. Withdrawal of this rejection is respectfully requested.

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,



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